

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 2/6/2024
---

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
:  
MERCY CASTILLO, JESSICA LORA, *and* ULISES:  
RODRIGUEZ, *individually and on behalf of all others* :  
*similarly situated,* :  
Plaintiffs, :  
:  
- against - :  
:  
“EL SAN JUAN” CITY ISLAND ON 5TH AVE :  
LLC, MANUEL VIDAL, *and* ALMA JOSEPHINE :  
VIDAL, :  
Defendants. :  
:  
----- X  
GREGORY H. WOODS, United States District Judge:

1:21-cv-2824-GHW

ORDER

As discussed at the conference held on February 5, 2024, the parties’ discovery deadlines are hereby modified as follows: (1) the deadline for the completion of fact discovery is extended to June 7, 2024; (2) the deadline for serving requests to admit pursuant to F.R.C.P. 36 is May 7, 2024; (3) the deadline for completion of expert discovery is extended to July 22, 2024; (4) the deadline for disclosures, under F.R.C.P. 26(a)(2), of party-proponents and party-opponents that intend to offer expert testimony on claims is extended to June 7, 2024 (party-proponents) and June 21, 2024 (party-opponents); and (5) the deadline for filing of motions for summary judgment is extended to August 22, 2024. Additionally, the post-discovery status conference will take place in person on August 5, 2024. The August 5, 2024 conference will be conducted in Courtroom 12C of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, New York, 10007. If counsel for Mr. Vidal and Ms. Vidal has not entered a notice of appearance by August 5, 2024, Mr. Vidal and Ms. Vidal themselves must appear at the August 5, 2024 conference to litigate the case pro se. If they do not attend the conference, that could result in the Court finding them to be in default and the Court entering judgment against them. Further, the joint letter due in advance of the post-discovery status conference, as described

in the Court's May 10, 2023 order, should be filed on ECF no later than July 29, 2024. All other deadlines set in the Court's previous case management plan, Dkt. No. 99, remain in full force and effect.

**In addition, Mr. Vidal and Ms. Vidal are ordered to provide responses to Plaintiffs' outstanding discovery requests by no later than March 13, 2024.** Defendants must serve their responses to Plaintiffs' First Set of Interrogatories and First Request for Production of Documents by that date, regardless of whether or not Defendants have obtained counsel by that date. "[A]ll litigants . . . have an obligation to comply with court orders,' and failure to comply may result in sanctions." *Agival v. Mid Island Mortg. Corp.*, 555 F.3d 298, 302 (2d Cir. 2009) (quoting *Minotti v. Lensink*, 895 F.2d 100, 103 (2d Cir. 1990)).

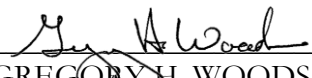
Further, for the reasons stated on the record during the February 5, 2024 conference, Ms. Vidal's November 28, 2023 motion to dismiss, Dkt. No. 111, is denied, and Ms. Vidal is granted leave to amend the answer pursuant to Federal Rule of Civil Procedure 15(a)(2). The "first amended answer" filed at Dkt. No. 112 is the operative answer for Ms. Vidal, and Mr. Vidal's October 20, 2022 answer, Dkt. No. 82, is the operative answer for Mr. Vidal in this case.

Plaintiffs' counsel is directed to order a copy of the transcript of the February 5, 2024 conference and provide that to Defendants.

The Clerk of Court is directed to (1) terminate the motion pending at Dkt. No. 111, (2) mail a copy of this order to Defendants Mr. Vidal and Ms. Vidal at 9-20 166th St., Apt. 6B, Whitestone, NY 11357, and (3) update Defendant Ms. Vidal's name in the caption to "Alma Josephine Vidal" (rather than "Josefina Vidal").

SO ORDERED.

Dated: February 6, 2024  
New York, New York

  
GREGORY H. WOODS  
United States District Judge